

Article 3: Zoning

Division 3: Zoning Use Certificate Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0301 Purpose of Zoning Use Certificate Procedures

The purpose of these procedures is to provide for review of proposed business uses for general conformance with the applicable zoning regulations and to establish the right of the business owner to initiate operations at a specific location.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0302 When a Zoning Use Certificate Is Required

- (a) A Zoning Use Certificate is required before the commencement of any nonresidential use of property within the City of San Diego.
- (b) An application for a Zoning Use Certificate is required whenever an application is submitted for issuance of a Business Tax Certificate for a new business, a change of location, or a change of principal business activity. A Zoning Use Certificate is not required for renewal of a Business Tax Certificate.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0303 General Rules for a Zoning Use Certificate

- (a) Issuance of a Zoning Use Certificate is based upon information provided by the *applicant*.
- (b) The Zoning Use Certificate establishes the applicant's right to initiate the business operations listed in the application at a specified location.
- (c) The Zoning Use Certificate may restate applicable conditions of operation contained in the base zone regulations or in an applicable *development permit*.
- (d) With the exception of emergency or interim ordinances, subsequent land use legislation does not preclude the initiation of the approved use, unless the Zoning Use Certificate was issued in error.

- (e) The Zoning Use Certificate does not relieve the *applicant* from complying with all applicable development regulations or from obtaining all applicable permits and licenses required by the City of San Diego.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0304 How to Apply for a Zoning Use Certificate

An *applicant* shall apply for a Zoning Use Certificate in accordance with Section 112.0102. The application shall include a description of the proposed use and the proposed location. The City Manager may require additional information as necessary to judge compliance with all applicable regulations.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0305 Decision on a Zoning Use Certificate

A decision on an application for a Zoning Use Certificate shall be made in accordance with Process One. The City Manager shall review an application for a Zoning Use Certificate and shall approve the certificate if the City Manager determines that the proposed use conforms with the applicable use regulations of the zone and any applicable *development permit* or constitutes a *previously conforming* use in accordance with Chapter 12, Article 7 (Previously Conforming Premises and Uses).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0306 Decision on a Zoning Use Certificate for Adult Entertainment

In addition to the requirements identified in Section 123.0305, the following requirements shall apply to Zoning Use Certificates requested for those businesses identified in Sections 141.0601(a)(2) through 141.0601(a)(4), 141.0601(a)(6), 141.0601(a)(9), 141.0601(a)(10) and 141.0601(a)(12):

- (a) Upon receipt of a Zoning Use Certificate application, the City Manager shall promptly investigate the information provided in the application, which may include inspecting the proposed location of the business to determine whether the proposed site complies with all applicable zoning regulations.
- (b) Within fifteen business days after receipt of a complete Zoning Use Certificate application, the City Manager shall approve or deny the issuance of a Zoning Use Certificate. If the Zoning Use Certificate is denied, the City Manager shall advise the applicant in writing of the reasons for the denial. Notwithstanding any other provision of this Division to the contrary, if the City Manager fails to act on the Zoning Use Certificate application within the time prescribed, the

application shall be deemed to have been approved and the Zoning Use Certificate shall be issued.

- (c) The decision by the City Manager to approve or deny the issuance of a Zoning Use Certificate shall be the final administrative action and the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

(“Decision on a Zoning Use Certificate for Adult Entertainment” added 11-22-1999 by O-18716 N.S.; effective 1-1-2000.)

§123.0307 Issuance of a Zoning Use Certificate

The City Manager shall issue the Zoning Use Certificate when the required fees have been paid and the certificate has been approved.

(Renumbered from Sec. 123.0306 on 11-22-1999 by O-18716 N.S.; effective 1-1-2000.)

§123.0308 Expiration of a Zoning Use Certificate

A Zoning Use Certificate expires 180 calendar days after issuance if the business use specified in the certificate has not commenced at the approved location.

(Renumbered from Sec. 123.0307 and amended 11-22-1999 by O-18716 N.S.; effective 1-1-2000.)